

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A JOINT APPLICATION FOR THE APPROVAL OF	)	
DEMAND-SIDE MANAGEMENT PROGRAMS, A DSM	)	
COST RECOVERY MECHANISM, AND A CONTINUING	)	CASE NO.
COLLABORATIVE PROCESS ON DSM FOR	)	93-150
LOUISVILLE GAS AND ELECTRIC COMPANY	)	

O R D E R

Louisville Gas and Electric Company ("LG&E"), the Attorney General, Jefferson County, Metro Human Needs Alliance, People Organized and Working for Energy Reform, Anna Shed, Kentucky Industrial Utility Customers, Louisville Resource Conservation Council, and the Louisville and Jefferson County Community Action Agency (collectively "Joint Applicants") have moved for waiver of all requirements of Commission Regulation 807 KAR 5:001, Section 10, which are inapplicable to their joint application. The Joint Applicants also request an informal conference with Commission Staff for the purpose of discussing "the Commission's informational needs in this case."

The Joint Applicants have applied for Commission approval of a document entitled "Principles of Agreement for Demand Side Management" and related documents and tariffs necessary for the implementation of the Principles of Agreement. By Order dated May 10, 1993, this Commission found that the Joint Applicants sought general adjustment of rates and that their application met neither the filing nor notice requirements of Commission Regulation 807 KAR 5:001, Section 10. We therefore ordered that, before the application could be considered as filed, LG&E must comply with

those requirements. The Joint Applicants then submitted their motion for waiver.

While conceding that the joint application is a general rate filing, the Joint Applicants contend that the requirements of Commission Regulation 807 KAR 5:001, Section 10, "are not necessary for the Commission to discharge its statutory responsibilities in this case." Motion for Waiver at p. 2. The Joint Applicants state that compliance with these requirements would "start the parties and the Commission down a path that would be unnecessarily time-consuming, cumbersome and expensive for all parties including the Commission." Id.

This Commission wishes to avoid unnecessary and unduly burdensome requirements. As we have previously stated, it is not our intent to complicate or delay this proceeding. We remain committed to an expeditious review of the joint application. The motion, however, does not establish a sufficient basis for granting the requested relief. While Joint Applicants seek "a waiver of all of the filing requirements in 807 KAR 5:001, Section 10, for LG&E that are inapplicable to this proceeding," they do not identify which requirements are inapplicable nor do they state why such requirements are inapplicable. They also do not explain why specific requirements of Commission Regulation 807 KAR 5:001, Section 10, are unnecessarily time-consuming, cumbersome and expensive. Only in their request for a waiver of the four weeks advance notice requirement, Commission Regulation 807 KAR 5:001, Section 10(2), have the Joint Applicants presented any reasoning to support waiver of the regulatory requirement.

While blanket waivers of the requirements of Commission Regulation 807 KAR 5:001, Section 10, are disfavored, this Commission will consider requests for waivers of specific requirements where proper support is provided. Accordingly, the Commission finds that the Joint Applicants should be granted an additional 14 days to supplement their motion and to expressly identify the requirements for which a waiver is sought and to explain why a waiver is appropriate in each instance.

The Commission further finds that an informal conference between the Joint Applicants and Commission Staff should be held after the Joint Applicants' motion has been supplemented and the Commission has had adequate time to review those supplements.

IT IS THEREFORE ORDERED that:

1. Within 14 days of the date of this Order, the Joint Applicants shall identify in writing to the Commission each requirement of Commission Regulation 807 KAR 5:001, Section 10, for which a waiver is requested. For each requirement identified, the Joint Applicants shall also explain why a waiver is appropriate.

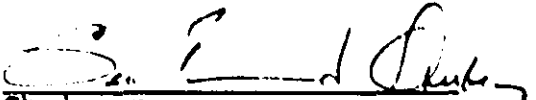
2. Joint Applicants' request for waiver of Commission Regulation 807 KAR 5:001, Section 10(2), is granted.

3. Joint Applicants' motion for waiver of the remaining requirements of Commission Regulation 807 KAR 5:001, Section 10, is deferred pending LG&E's compliance with Ordering Paragraph 1 of this Order.

4. An informal conference shall be held in this matter on June 24, 1993, at 1:00 p.m., Eastern Daylight Time, in Conference Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 4th day of June, 1993.

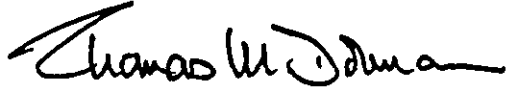
PUBLIC SERVICE COMMISSION

  
Chairman

  
Commissioner

DISSENTING OPINION OF VICE CHAIRMAN THOMAS M. DORMAN

In order for the Commission to determine whether the joint application is indeed in the interest of all of LG&E's customers, the Commission must have certain information before it. However, because of the uniqueness of the joint application I believe the holding of an informal conference prior to the filing of the motion for waiver from Commission Regulation 807 KAR 5:001 would help all parties understand what information the Commission must have and would help to serve the processing of this proceeding.

  
Thomas M. Dorman  
Vice Chairman

ATTEST:

  
Executive Director